

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JENNIFER CHATTMAN,

Plaintiff,

vs.

ALPHA RECEIVABLES, INC.
FREDERICK J. HANNA &
ASSOCIATES, PC,
HSBC CARD SERVICES (III) INC.

Defendants.

CIVIL ACTION FILE
NO.: 1:09-CV-1525

**ANSWER OF DEFENDANTS ALPHA RECEIVABLES, INC and
FREDERICK J. HANNA & ASSOCIATES, PC**

COMES NOW, Defendants ALPHA RECEIVABLES, INC (“ALPHA”) and FREDERICK J. HANNA & ASSOCIATES, PC (hereinafter “HANNA”), by and through the undersigned counsel, and hereby files its Answer to the Complaint for damages in the above-captioned case, and shows this Court the following:

FIRST DEFENSE

Plaintiff’s claims fail due to the expiration of the statute of limitations.

SECOND DEFENSE

Any violation of the Fair Debt Collection Practices Act (FDCPA) by ALPHA or HANNA, which is hereby specifically denied, was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such error.

THIRD DEFENSE

For its third defense, HANNA responds to the enumerated paragraphs of the complaint as follows:

STATEMENT OF THE CASE

(1)

The allegations set forth in paragraph 1 of the Complaint are hereby denied.

(2)

The allegations set forth in paragraph 2 of the Complaint are hereby denied.

(3)

The allegations set forth in paragraph 3 of the Complaint are hereby denied.

(4)

The allegations set forth in paragraph 4 of the Complaint are hereby denied.

PARTIES

(5)

Numbered paragraph 5 of the Complaint does not appear to seek any response from Defendants, however, to the extent a response is required the allegations contained in numbered paragraph 5 are hereby denied.

(6)

The allegations set forth in paragraph 6 of the Complaint are hereby admitted.

(7)

The allegations set forth in paragraph 7 of the Complaint are hereby admitted.

(8)

The allegations set forth in paragraph 8 of the Complaint are hereby admitted.

(9)

The allegations set forth in paragraph 9 of the Complaint are hereby admitted.

(10)

The allegations set forth in paragraph 10 of the Complaint are hereby admitted.

(11)

The allegations set forth in paragraph 11 of the Complaint are hereby admitted.

(12)

The allegations set forth in paragraph 12 of the Complaint are hereby admitted.

SUBJECT MATTER JURISDICTION

(13)

Numbered paragraph 13 of the Complaint does not appear to seek any response from Defendants, however, to the extent a response is required the allegations contained in numbered paragraph 13 are hereby denied.

(14)

Numbered paragraph 14 of the Complaint does not appear to seek any response from Defendants, however, to the extent a response is required the allegations contained in numbered paragraph 14 are hereby denied.

(15)

The allegations set forth in paragraph 15 of the Complaint are hereby admitted.

(16)

Numbered paragraph 16 of the Complaint does not appear to seek any response from Defendants, however, to the extent a response is required the allegations contained in numbered paragraph 16 are hereby denied.

(17)

The allegations set forth in paragraph 17 of the Complaint are hereby admitted.

PERSONAL JURISDICTION AND VENUE

(18)

Numbered paragraph 18 of the Complaint does not appear to seek any response from Defendants, however, to the extent a response is required the allegations contained in numbered paragraph 18 are hereby denied.

(19)

The allegations set forth in paragraph 19 of the Complaint are hereby admitted.

(20)

The allegations contained in paragraph 20 of the complaint are hereby admitted.

(21)

The allegations set forth in paragraph 21 of the Complaint are hereby admitted.

(22)

The allegations contained in paragraph 12 of the Complaint are hereby admitted.

(23)

The allegations contained in paragraph 23 of the Complaint are hereby admitted.

FACTS

(24)

Numbered paragraph 24 of the Complaint does not appear to seek any response from Defendants, however, to the extent a response is required the allegations contained in numbered paragraph 24 are hereby denied.

(25)

The allegations contained in paragraph 25 of the Complaint are hereby denied.

(26)

The allegations contained in paragraph 26 of the Complaint are hereby denied.

(27)

The allegations contained in paragraph 27 of the Complaint are hereby denied.

(28)

The allegations contained in paragraph 28 of the Complaint are hereby denied.

(29)

The allegations contained in paragraph 29 of the Complaint are hereby denied.

(30)

The allegations contained in paragraph 30 of the Complaint are hereby denied.

(31)

The allegations contained in paragraph 31 of the Complaint are hereby denied.

(32)

The allegations contained in paragraph 32 of the Complaint are hereby denied.

(33)

The allegations contained in paragraph 33 of the Complaint are hereby denied.

(34)

The allegations contained in paragraph 34 of the Complaint are hereby denied.

(35)

The allegations contained in paragraph 35 of the Complaint are hereby denied.

(36)

The allegations contained in paragraph 36 of the Complaint are hereby denied.

(37)

The allegations contained in paragraph 37 of the Complaint are hereby denied.

(38)

The allegations contained in paragraph 38 of the Complaint are hereby denied.

(39)

The allegations contained in paragraph 39 of the Complaint are hereby denied.

(40)

The allegations contained in paragraph 40 of the Complaint are hereby denied.

(41)

The allegations contained in paragraph 41 of the Complaint are hereby denied.

(42)

The allegations contained in paragraph 42 of the Complaint are hereby denied.

(43)

The allegations contained in paragraph 43 of the Complaint are hereby denied.

COUNT I: FAIR DEBT COLLECTION PRACTICES ACT

(44)

Numbered paragraph 44 of the Complaint does not appear to seek any response from Defendants, however, to the extent a response is required the allegations contained in numbered paragraph 44 are hereby denied.

(45)

The allegations contained in paragraph 45 of the Complaint are hereby admitted.

(46)

The allegations contained in paragraph 46 of the Complaint are hereby admitted.

(47)

The allegations contained in paragraph 47 of the Complaint are hereby admitted.

(48)

The allegations contained in paragraph 48 of the Complaint are hereby admitted.

(49)

The allegations contained in paragraph 49 of the Complaint are hereby admitted.

(50)

The allegations contained in paragraph 50 of the Complaint are hereby admitted.

(51)

The allegations contained in paragraph 51 of the Complaint are hereby admitted.

(52)

The allegations contained in paragraph 52 of the Complaint are hereby admitted.

(53)

The allegations contained in paragraph 53 of the Complaint are hereby denied.

(54)

The allegations contained in paragraph 54 of the Complaint are hereby denied.

(55)

The allegations contained in paragraph 55 of the Complaint are hereby denied.

(56)

The allegations contained in paragraph 56 of the Complaint can not be admitted or denied by Defendants, and are hereby denied for the purposes of this Answer.

(57)

The allegations contained in paragraph 57 of the Complaint can not be admitted or denied by Defendants, and are hereby denied for the purposes of this Answer.

(58)

The allegations contained in paragraph 58 of the Complaint are hereby denied.

(59)

The allegations contained in paragraph 59 of the Complaint are hereby denied.

(60)

The allegations contained in paragraph 60 of the Complaint are hereby denied.

(61)

The allegations contained in paragraph 61 of the Complaint are hereby denied.

(62)

The allegations contained in paragraph 62 of the Complaint are hereby denied.

(63)

The allegations contained in paragraph 63 of the Complaint are hereby denied.

(64)

The allegations contained in paragraph 64 of the Complaint are hereby denied.

COUNT II: FRAUD – OCGA § 51-6-1, *et seq.*

(65)

Numbered paragraph 65 of the Complaint does not appear to seek any response from Defendants, however, to the extent a response is required the allegations contained in numbered paragraph 65 are hereby denied

(66)

The allegations contained in paragraph 66 of the Complaint are hereby denied.

(67)

The allegations contained in paragraph 67 of the Complaint are hereby denied.

(68)

The allegations contained in paragraph 68 of the Complaint are hereby denied.

(69)

The allegations contained in paragraph 69 of the Complaint are hereby denied.

(70)

The allegations contained in paragraph 70 of the Complaint are hereby denied.

(71)

The allegations contained in paragraph 71 of the Complaint are hereby denied.

(72)

The allegations contained in paragraph 72 of the Complaint are hereby denied.

(73)

The allegations contained in paragraph 73 of the Complaint are hereby denied.

(74)

The allegations contained in paragraph 74 of the Complaint are hereby denied.

(75)

The allegations contained in paragraph 75 of the Complaint are hereby denied.

(76)

The allegations contained in paragraph 76 of the Complaint are hereby denied.

COUNT III: FAIR BUSINESS PRACTICES ACT – OCGA § 10-1-390, *et seq.*

(77)

Numbered paragraph 77 of the Complaint does not appear to seek any response from Defendants, however, to the extent a response is required the allegations contained in numbered paragraph 77 are hereby denied

(78)

The allegations contained in paragraph 78 of the Complaint are hereby denied.

(79)

The allegations contained in paragraph 79 of the Complaint are hereby denied.

(80)

The allegations contained in paragraph 80 of the Complaint are hereby denied.

COUNT IV: ATTORNEYS FEES – OCGA § 13-6-11

(81)

Numbered paragraph 81 of the Complaint does not appear to seek any response from Defendants, however, to the extent a response is required the allegations contained in numbered paragraph 81 are hereby denied

(82)

The allegations contained in paragraph 82 of the Complaint are hereby denied.

(83)

The allegations contained in paragraph 83 of the Complaint are hereby denied.

(84)

The allegations contained in paragraph 84 of the Complaint are hereby denied.

(85)

The allegations contained in paragraph 85 of the Complaint are hereby denied.

COUNT V: PUNITIVE DAMAGES – OCGA § 51-12-5.1

(86)

Numbered paragraph 86 of the Complaint does not appear to seek any response from Defendants, however, to the extent a response is required the allegations contained in numbered paragraph 86 are hereby denied

(87)

The allegations contained in paragraph 87 of the Complaint are hereby denied.

(88)

The allegations contained in paragraph 88 of the Complaint are hereby denied.

(89)

The allegations contained in paragraph 89 of the Complaint are hereby denied.

(90)

The allegations contained in paragraph 90 of the Complaint are hereby denied.

(91)

The allegations contained in paragraph 91 of the Complaint are hereby denied.

(92)

The allegations contained in paragraph 92 of the Complaint are hereby denied.

SIXTH DEFENSE

Any allegations contained in Plaintiff's complaint not expressly admitted or denied herein are hereby denied.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendants ALPHA and HANNA demand judgment in their favor, that Plaintiff's Complaint be dismissed with prejudice, that all costs be cast upon Plaintiff, that

it be awarded reasonable attorney fees and costs as provided for under applicable law and for such other relief as this Court deems just and proper.

This 8th day of September, 2009.

Respectfully submitted.

**FREDERICK J. HANNA &
ASSOCIATES, PC**

By: s/ Scot W. Groghan
Georgia Bar Number 142250
Attorney for Defendants
Alpha Receivables, Inc and
Frederick J. Hanna &
Associates, PC

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **ANSWER OF DEFENDANTS ALPHA RECEIVABLES, INC and FREDERICK J. HANNA & ASSOCIATES, PC** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney of record:

Daniel E. DeWoskin
Attorney for Plaintiff
dan@dedlaw.com

This 8th day of September, 2009.

Respectfully submitted.

**FREDERICK J. HANNA &
ASSOCIATES, PC**

By: **s/ Scot W. Groghan**

Georgia Bar Number 142250

Attorney for Defendants

Alpha Receivables, Inc and

Frederick J. Hanna &

Associates, PC